



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2006 REGULAR SESSION

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HOUSE BILL NO. 102

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THURSDAY, FEBRUARY 23, 2006

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The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to nursing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
READ AS FOLLOWS:

*The Nurse Licensure Compact is hereby enacted and entered into with all other jurisdictions that legally join in the Compact, which is, in form, substantially as follows:*

**ARTICLE I**

**Findings and Declaration of Purpose**

**a. The party states find that:**

- 1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;*
- 2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;*
- 3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's healthcare delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;*
- 4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;*
- 5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.*

**b. The general purposes of this Compact are to:**

- 1. Facilitate the states' responsibility to protect the public's health and safety;*
- 2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;*

- 1        3. Facilitate the exchange of information between party states in the areas of
- 2                nurse regulation, investigation and adverse actions;
- 3        4. Promote compliance with the laws governing the practice of nursing in
- 4                each jurisdiction;
- 5        5. Invest all party states with the authority to hold a nurse accountable for
- 6                meeting all state practice laws in the state in which the patient is located at
- 7                the time care is rendered through the mutual recognition of party state
- 8                licenses.

## ARTICLE II

### Definitions

#### As used in this Compact:

- 12        a. "Adverse action" means a home or remote state action.
- 13        b. "Alternative program" means a voluntary, non-disciplinary monitoring program
- 14                approved by a nurse licensing board.
- 15        c. "Coordinated licensure information system" means an integrated process for
- 16                collecting, storing, and sharing information on nurse licensure and enforcement
- 17                activities related to nurse licensure laws, which is administered by a non-profit
- 18                organization composed of and controlled by state nurse licensing boards.
- 19        d. "Current significant investigative information" means investigative information
- 20                that a licensing board, after a preliminary inquiry that includes notification and
- 21                an opportunity for the nurse to respond if required by state law, has reason to
- 22                believe is not groundless and, if proved true, would indicate more than a minor
- 23                infraction; or investigative information that indicates that the nurse represents
- 24                an immediate threat to public health and safety regardless of whether the nurse
- 25                has been notified and had an opportunity to respond.
- 26        e. "Home state" means the party state which is the nurse's primary state of
- 27                residence.

- 1 f. "Home state action" means any administrative, civil, equitable or criminal action  
 2 permitted by the home state's laws which are imposed on a nurse by the home  
 3 state's licensing board or other authority including actions against an  
 4 individual's license such as: revocation, suspension, probation or any other  
 5 action which affects a nurse's authorization to practice.
- 6 g. "Licensing board" means a party state's regulatory body responsible for issuing  
 7 nurse licenses.
- 8 h. "Multistate licensure privilege" means current, official authority from a remote  
 9 state permitting the practice of nursing as either a registered nurse or a licensed  
 10 practical/vocational nurse in such party state. All party states have the authority,  
 11 in accordance with existing state due process law, to take actions against the  
 12 nurse's privilege such as: revocation, suspension, probation or any other action  
 13 which affects a nurse's authorization to practice.
- 14 i. "Nurse" means a registered nurse or licensed practical/vocational nurse, as  
 15 those terms are defined by each party's state practice laws.
- 16 j. "Party state" means any state that has adopted this Compact.
- 17 k. "Remote state" means a party state, other than the home state, where the patient  
 18 is located at the time nursing care is provided, or, in the case of the practice of  
 19 nursing not involving a patient, in such party state where the recipient of nursing  
 20 practice is located.
- 21 l. "Remote state action" means any administrative, civil, equitable or criminal  
 22 action permitted by a remote state's laws which are imposed on a nurse by the  
 23 remote state's licensing board or other authority including actions against an  
 24 individual's multistate licensure privilege to practice in the remote state, and  
 25 cease and desist and other injunctive or equitable orders issued by remote states  
 26 or the licensing boards thereof.
- 27 m. "State" means a state, territory, or possession of the United States, the District of

Columbia or the Commonwealth of Puerto Rico.

n. "State practice laws" means those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline.

o. "State practice laws" does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III

General Provisions and Jurisdiction

a. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

b. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

c. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition,

the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

d. This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

e. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

#### ARTICLE IV

##### Applications for Licensure in a Party State

a. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

b. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

c. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in

primary state of residence satisfactory to the new home state's licensing board.

d. When a nurse changes primary state of residence by:

1. Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

2. Moving from a non-party state to a party state, and obtains a license from the new home state, the individual state license issued by the non-party state is not affected and will remain in full force if so provided by the laws of the non-party state;

3. Moving from a party state to a non-party state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

## ARTICLE V

### Adverse Actions

In addition to the General Provisions described in Article III, the following provisions apply:

a. The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

b. The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such

1 investigations to the administrator of the coordinated licensure information  
 2 system. The administrator of the coordinated licensure information system shall  
 3 promptly notify the new home state of any such actions.

4 c. A remote state may take adverse action affecting the multistate licensure privilege  
 5 to practice within that party state. However, only the home state shall have the  
 6 power to impose adverse action against the license issued by the home state.

7 d. For purposes of imposing adverse action, the licensing board of the home state  
 8 shall give the same priority and effect to reported conduct received from a remote  
 9 state as it would if such conduct had occurred within the home state. In so doing,  
 10 it shall apply its own state laws to determine appropriate action.

11 e. The home state may take adverse action based on the factual findings of the  
 12 remote state, so long as each state follows its own procedures for imposing such  
 13 adverse action.

14 f. Nothing in this Compact shall override a party state's decision that participation  
 15 in an alternative program may be used in lieu of licensure action and that such  
 16 participation shall remain non-public if required by the party state's laws. Party  
 17 states must require nurses who enter any alternative programs to agree not to  
 18 practice in any other party state during the term of the alternative program  
 19 without prior authorization from such other party state.

## 20 ARTICLE VI

### 21 Additional Authorities Invested in Party State Nurse Licensing Boards

22 Notwithstanding any other powers, party state nurse licensing boards shall have the  
 23 authority to:

24 a. If otherwise permitted by state law, recover from the affected nurse the costs of  
 25 investigations and disposition of cases resulting from any adverse action taken  
 26 against that nurse;

27 b. Issue subpoenas for both hearings and investigations which require the



- 1 attendance and testimony of witnesses, and the production of evidence.  
 2 Subpoenas issued by a nurse licensing board in a party state for the attendance  
 3 and testimony of witnesses, and/or the production of evidence from another party  
 4 state, shall be enforced in the latter state by any court of competent jurisdiction,  
 5 according to the practice and procedure of that court applicable to subpoenas  
 6 issued in proceedings pending before it. The issuing authority shall pay any  
 7 witness fees, travel expenses, mileage and other fees required by the service  
 8 statutes of the state where the witnesses and/or evidence are located;
- 9 c. Issue cease and desist orders to limit or revoke a nurse's authority to practice in  
 10 their state;
- 11 d. Promulgate uniform rules and regulations as provided for in Article VIIIc.

## 12 ARTICLE VII

### 13 Coordinated Licensure Information System

- 14 a. All party states shall participate in a cooperative effort to create a coordinated  
 15 database of all licensed registered nurses and licensed practical/vocational  
 16 nurses. This system will include information on the licensure and disciplinary  
 17 history of each nurse, as contributed by party states, to assist in the coordination  
 18 of nurse licensure and enforcement efforts.
- 19 b. Notwithstanding any other provision of law, all party states' licensing boards  
 20 shall promptly report adverse actions, actions against multistate licensure  
 21 privileges, any current significant investigative information yet to result in  
 22 adverse action, denials of applications, and the reasons for such denials, to the  
 23 coordinated licensure information system.
- 24 c. Current significant investigative information shall be transmitted through the  
 25 coordinated licensure information system only to party state licensing boards.
- 26 d. Notwithstanding any other provision of law, all party states' licensing boards  
 27 contributing information to the coordinated licensure information system may

designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

e. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

f. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, shall also be expunged from the coordinated licensure information system.

g. The Compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.

## ARTICLE VIII

### Compact Administration and Interchange of Information

a. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this Compact for his/her state.

b. The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this Compact.

c. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority invested under Article VIId.

1  
2 ARTICLE IX

3 Immunity

4 No party state or the officers or employees or agents of a party state's nurse licensing  
5 board who acts in accordance with the provisions of this Compact shall be liable on  
6 account of any act or omission in good faith while engaged in the performance of their  
7 duties under this Compact. Good faith in this article shall not include willful  
8 misconduct, gross negligence, or recklessness.

9 ARTICLE X

10 Entry into Force, Withdrawal and Amendment

- 11 a. This Compact shall enter into force and become effective as to any state when it  
12 has been enacted into the laws of that state. Any party state may withdraw from  
13 this Compact by enacting a statute repealing the same, but no such withdrawal  
14 shall take effect until six months after the withdrawing state has given notice of  
15 the withdrawal to the executive heads of all other party states.
- 16 b. No withdrawal shall affect the validity or applicability by the licensing boards of  
17 states remaining party to the Compact of any report of adverse action occurring  
18 prior to the withdrawal.
- 19 c. Nothing contained in this Compact shall be construed to invalidate or prevent  
20 any nurse licensure agreement or other cooperative arrangement between a party  
21 state and a non-party state that is made in accordance with the other provisions  
22 of this Compact.
- 23 d. This Compact may be amended by the party states. No amendment to this  
24 Compact shall become effective and binding upon the party states unless and  
25 until it is enacted into the laws of all party states.

26 ARTICLE XI

27 Construction and Severability

1 a. This Compact shall be liberally construed so as to effectuate the purposes thereof.

2 The provisions of this Compact shall be severable and if any phrase, clause,  
 3 sentence or provision of this Compact is declared to be contrary to the  
 4 constitution of any party state or of the United States or the applicability thereof  
 5 to any government, agency, person or circumstance is held invalid, the validity of  
 6 the remainder of this Compact and the applicability thereof to any government,  
 7 agency, person or circumstance shall not be affected thereby. If this Compact  
 8 shall be held contrary to the constitution of any state party thereto, the Compact  
 9 shall remain in full force and effect as to the remaining party states and in full  
 10 force and effect as to the party state affected as to all severable matters.

11 b. In the event party states find a need for settling disputes arising under this  
 12 Compact:

13 1. The party states may submit the issues in dispute to an arbitration panel  
 14 which will be composed of an individual appointed by the Compact  
 15 administrator in the home state; an individual appointed by the Compact  
 16 administrator in the remote state(s) involved; and an individual mutually  
 17 agreed upon by the Compact administrators of all the party states involved  
 18 in the dispute.

19 The decision of a majority of the arbitrators shall be final and binding.

20 Section 2. KRS 314.011 is amended to read as follows:

21 As used in this chapter ~~[KRS 314.011 to 314.161 and KRS 314.991]~~, unless the context  
 22 thereof requires otherwise:

- 23 (1) "Board" means Kentucky Board of Nursing;
- 24 (2) "Delegation" means directing a competent person to perform a selected nursing  
 25 activity or task in a selected situation under the nurse's supervision and pursuant to  
 26 administrative regulations promulgated by the board in accordance with the  
 27 provisions of KRS Chapter 13A;

- 1 (3) "Nurse" means a person who is licensed or holds the privilege to practice under the  
 2 provisions of this chapter as a registered nurse or as a licensed practical nurse;
- 3 (4) "Nursing process" means the investigative approach to nursing practice utilizing a  
 4 method of problem-solving by means of:
- 5 (a) Nursing diagnosis, a systematic investigation of a health concern, and an  
 6 analysis of the data collected in order to arrive at an identifiable problem; and
- 7 (b) Planning, implementation, and evaluation based on nationally accepted  
 8 standards of nursing practice;
- 9 (5) "Registered nurse" means one who is licensed or holds the privilege under the  
 10 provisions of this chapter to engage in registered nursing practice;
- 11 (6) "Registered nursing practice" means the performance of acts requiring substantial  
 12 specialized knowledge, judgment, and nursing skill based upon the principles of  
 13 psychological, biological, physical, and social sciences in the application of the  
 14 nursing process in:
- 15 (a) The care, counsel, and health teaching of the ill, injured, or infirm;
- 16 (b) The maintenance of health or prevention of illness of others;
- 17 (c) The administration of medication and treatment as prescribed by a physician,  
 18 physician assistant, dentist, or advanced registered nurse practitioner and as  
 19 further authorized or limited by the board, and which are consistent either  
 20 with American Nurses' Association Standards of Practice or with Standards of  
 21 Practice established by nationally accepted organizations of registered nurses.  
 22 Components of medication administration include but are not limited to:
- 23 1. Preparing and giving medications in the prescribed dosage, route, and  
 24 frequency, including dispensing medications only as defined in  
 25 subsection (17)(b) of this section;
- 26 2. Observing, recording, and reporting desired effects, untoward reactions,  
 27 and side effects of drug therapy;

- 1           3. Intervening when emergency care is required as a result of drug therapy;
- 2           4. Recognizing accepted prescribing limits and reporting deviations to the
- 3           prescribing individual;
- 4           5. Recognizing drug incompatibilities and reporting interactions or
- 5           potential interactions to the prescribing individual; and
- 6           6. Instructing an individual regarding medications;
- 7       (d) The supervision, teaching of, and delegation to other personnel in the
- 8           performance of activities relating to nursing care; and
- 9       (e) The performance of other nursing acts which are authorized or limited by the
- 10           board, and which are consistent either with American Nurses' Association
- 11           Standards of Practice or with Standards of Practice established by nationally
- 12           accepted organizations of registered nurses;
- 13       (7) "Advanced registered nurse practitioner" means one who is registered and
- 14           designated to engage in advanced registered nursing practice including the nurse
- 15           anesthetist, nurse midwife, clinical nurse specialist, and nurse practitioner pursuant
- 16           to KRS 314.042;
- 17       (8) "Advanced registered nursing practice" means the performance of additional acts by
- 18           registered nurses who have gained added knowledge and skills through an
- 19           organized postbasic program of study and clinical experience and who are certified
- 20           by the American Nurses' Association or other nationally established organizations
- 21           or agencies recognized by the board to certify registered nurses for advanced
- 22           nursing practice. The additional acts shall, subject to approval of the board, include
- 23           but not be limited to prescribing treatment, drugs, devices, and ordering diagnostic
- 24           tests. Advanced registered nurse practitioners who engage in these additional acts
- 25           shall be authorized to issue prescriptions for and dispense nonscheduled legend
- 26           drugs as defined in KRS 217.905, under the conditions set forth in KRS 314.042.
- 27           Nothing in this chapter shall be construed as requiring an advanced registered nurse

1 practitioner designated by the board as a nurse anesthetist to obtain prescriptive  
 2 authority pursuant to this chapter or any other provision of law in order to deliver  
 3 anesthesia care. The performance of these additional acts shall be consistent with  
 4 the certifying organization or agencies' scopes and standards of practice recognized  
 5 by the board by administrative regulation;

6 (9) "Licensed practical nurse" means one who is licensed or holds the privilege under  
 7 the provisions of this chapter to engage in licensed practical nursing practice;

8 (10) "Licensed practical nursing practice" means the performance of acts requiring  
 9 knowledge and skill such as are taught or acquired in approved schools for practical  
 10 nursing in:

11 (a) The observing and caring for the ill, injured, or infirm under the direction of a  
 12 registered nurse, a licensed physician, or dentist;

13 (b) The giving of counsel and applying procedures to safeguard life and health, as  
 14 defined and authorized by the board;

15 (c) The administration of medication or treatment as authorized by a physician,  
 16 physician assistant, dentist, or advanced registered nurse practitioner and as  
 17 further authorized or limited by the board which is consistent with the  
 18 National Federation of Licensed Practical Nurses or with Standards of  
 19 Practice established by nationally accepted organizations of licensed practical  
 20 nurses;

21 (d) Teaching, supervising, and delegating except as limited by the board; and

22 (e) The performance of other nursing acts which are authorized or limited by the  
 23 board and which are consistent with the National Federation of Practical  
 24 Nurses' Standards of Practice or with Standards of Practice established by  
 25 nationally accepted organizations of licensed practical nurses;

26 (11) "School of nursing" means a nursing education program preparing persons for  
 27 licensure as a registered nurse or a practical nurse;

- 1 (12) "Continuing education" means offerings beyond the basic nursing program that  
2 present specific content planned and evaluated to meet competency based  
3 behavioral objectives which develop new skills and upgrade knowledge;
- 4 (13) "Nursing assistance" means the performance of delegated nursing acts by unlicensed  
5 nursing personnel for compensation under supervision of a nurse;
- 6 (14) "Sexual assault nurse examiner" means a registered nurse who has completed the  
7 required education and clinical experience and maintains a current credential from  
8 the board as provided under KRS 314.142 to conduct forensic examinations of  
9 victims of sexual offenses under the medical protocol issued by the State Medical  
10 Examiner pursuant to KRS 216B.400(4);
- 11 (15) "Competency" means the application of knowledge and skills in the utilization of  
12 critical thinking, effective communication, interventions, and caring behaviors  
13 consistent with the nurse's practice role within the context of the public's health,  
14 safety, and welfare;
- 15 (16) "Credential" means a current license, registration, certificate, or other similar  
16 authorization that is issued by the board;
- 17 (17) "Dispense" means:
- 18 (a) To receive and distribute noncontrolled legend drug samples from  
19 pharmaceutical manufacturers to patients at no charge to the patient or any  
20 other party; or
- 21 (b) To distribute noncontrolled legend drugs from a local, district, and  
22 independent health department, subject to the direction of the appropriate  
23 governing board of the individual health department;
- 24 (18) "Dialysis care" means a process by which dissolved substances are removed from a  
25 patient's body by diffusion, osmosis, and convection from one (1) fluid  
26 compartment to another across a semipermeable membrane;
- 27 (19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a



1 physician and who provides dialysis care in a licensed renal dialysis facility under  
 2 the direct, on-site supervision of a registered nurse or a physician; and

3 (20) "Clinical internship" means a supervised nursing practice experience which  
 4 involves any component of direct patient care.

5 Section 3. KRS 314.021 is amended to read as follows:

6 (1) It is the declared policy of the General Assembly of Kentucky that the practice of  
 7 nursing should be regulated and controlled as provided herein and by regulations of  
 8 the board in order to protect and safeguard the health and safety of the citizens of  
 9 the Commonwealth of Kentucky.

10 (2) All individuals licensed or privileged under provisions of this chapter shall be  
 11 responsible and accountable for making decisions that are based upon the  
 12 individuals' educational preparation and experience in nursing and shall practice  
 13 nursing with reasonable skill and safety.

14 Section 4. KRS 314.031 is amended to read as follows:

15 (1) It shall be unlawful for any person to call or hold herself or himself out as or use the  
 16 title of nurse or to practice or offer to practice as a nurse unless licensed or  
 17 privileged under the provisions of this chapter.

18 (2) It shall be unlawful for any person to operate or to offer to operate or to represent or  
 19 advertise the operation of a school of nursing unless the school of nursing has been  
 20 approved under the provisions of this chapter.

21 (3) It shall be unlawful for any person knowingly to employ a nurse unless the nurse is  
 22 licensed or privileged under the provisions of this chapter.

23 (4) It shall be unlawful for any nurse, employer of nurses, or any person having  
 24 knowledge of facts to refrain from reporting to the board a nurse who:

25 (a) Has been convicted of any felony or a misdemeanor involving drugs,  
 26 alcohol, fraud, deceit, falsification of records, a breach of trust, physical  
 27 harm or endangerment to others, or dishonesty under the laws of any state

- 1           ~~or of the United States~~~~[a misdemeanor or felony which involved acts that bear~~  
2           ~~directly on the qualifications or ability of the applicant or licensee to practice~~  
3           ~~nursing]~~; or
- 4           (b) Is suspected of fraud or deceit in procuring or attempting to procure a license,  
5           credential, or privilege to practice nursing; or
- 6           (c) Is suspected of negligently or willfully acting in a manner inconsistent with  
7           the practice of nursing; or
- 8           (d) Is suspected of being unfit or incompetent to practice nursing by reason of  
9           negligence or other causes including, but not limited to, being unable to  
10          practice nursing with reasonable skill or safety; or
- 11          (e) Is suspected of violating any provisions of this chapter; or
- 12          (f) Has a license, privilege, or credential to practice as a nurse denied, limited,  
13          suspended, probated, revoked, or otherwise disciplined in another jurisdiction  
14          on grounds sufficient to cause a license, privilege, or credential to be denied,  
15          limited, suspended, probated, revoked, or otherwise disciplined in this  
16          Commonwealth; or
- 17          (g) Is practicing nursing without a current active license, privilege, or valid  
18          temporary work permit issued by the board; or
- 19          (h) Is suspected of abusing, misusing, or misappropriating any drugs placed in the  
20          custody of the nurse for administration, or for use of others; or
- 21          (i) Is suspected of falsifying or in a negligent manner making incorrect entries or  
22          failing to make essential entries on essential records.

23          Section 5. KRS 314.042 is amended to read as follows:

- 24          (1) An applicant for registration and designation to practice as an advanced registered  
25          nurse practitioner shall file with the board a written application for registration and  
26          designation and submit evidence, verified by oath, that the applicant has completed  
27          an organized postbasic program of study and clinical experience acceptable to the

- 1 board; has fulfilled the requirements of KRS 214.615(1); is certified by a nationally-  
 2 established organization or agency recognized by the board to certify registered  
 3 nurses for advanced nursing practice; and is able to understandably speak and write  
 4 the English language and to read the English language with comprehension.
- 5 (2) The board may issue a registration to practice advanced registered nursing to an  
 6 applicant who holds a current active registered nurse license issued by the board **or**  
 7 **holds the privilege to practice as a registered nurse in this state** and meets the  
 8 qualifications of subsection (1) of this section. An advanced registered nurse  
 9 practitioner shall be designated by the board as a nurse anesthetist, nurse midwife,  
 10 nurse practitioner, or clinical nurse specialist.
- 11 (3) The applicant for registration and designation or renewal thereof to practice as an  
 12 advanced registered nurse practitioner shall pay a fee to the board as set forth in  
 13 regulation by the board.
- 14 (4) An advanced registered nurse practitioner shall maintain a current active registered  
 15 nurse license issued by the board **or holds the privilege to practice as a registered**  
 16 **nurse in this state** and maintain current certification by the appropriate national  
 17 organization or agency recognized by the board.
- 18 (5) Any person who holds a registration and designation to practice as an advanced  
 19 registered nurse practitioner in this state shall have the right to use the title  
 20 "advanced registered nurse practitioner" and the abbreviation "ARNP." No other  
 21 person shall assume the title or use the abbreviation or any other words, letters,  
 22 signs, or figures to indicate that the person using the same is an advanced registered  
 23 nurse practitioner. No person shall practice as an advanced registered nurse  
 24 practitioner unless registered under this section.
- 25 (6) Any person heretofore registered as an advanced registered nurse practitioner under  
 26 the provisions of this chapter who has allowed the registration to lapse may be  
 27 reinstated on payment of current fee and by meeting the provisions of this chapter

1 and regulations promulgated by the board pursuant to the provisions of KRS  
2 Chapter 13A.

3 (7) The board may authorize a person to practice as an advanced registered nurse  
4 practitioner temporarily and pursuant to applicable regulations promulgated by the  
5 board pursuant to the provisions of KRS Chapter 13A if the person is awaiting the  
6 results of the national certifying examination for the first time or is awaiting  
7 licensure by endorsement. A person awaiting the results of the national certifying  
8 examination shall use the title "ARNP Applicant" or "ARNP App."

9 (8) Before an advanced registered nurse practitioner engages in the prescribing or  
10 dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8), the  
11 advanced registered nurse practitioner shall enter into a written collaborative  
12 practice agreement with a physician that defines the scope of the prescriptive  
13 authority.

14 (9) Nothing in this chapter shall be construed as requiring an advanced registered nurse  
15 practitioner designated by the board as a nurse anesthetist to enter into a  
16 collaborative practice agreement with a physician, pursuant to this chapter or any  
17 other provision of law, in order to deliver anesthesia care.

18 Section 6. KRS 314.046 is amended to read as follows:

19 When a patient suffering from a terminal illness, whose death is anticipated and who is  
20 receiving the services of a hospice program licensed by the State of Kentucky under KRS  
21 Chapter 216B, dies at home or in a hospice inpatient program or unit, a registered nurse,  
22 licensed or privileged by the Kentucky Board of Nursing and employed by the attending  
23 hospice, and who treated the patient, may make the actual determination and  
24 pronouncement of death. The nurse shall release the body to the funeral director after  
25 having signed on the designated line the provisional report of death as furnished by the  
26 state registrar of vital statistics.

27 Section 7. KRS 314.085 is amended to read as follows:

- 1 (1) If the board has reasonable cause to believe that any licensee; applicant for licensure  
 2 by examination, endorsement, reinstatement, or change of status; holder of the  
 3 privilege to practice as a nurse; credential holder; or holder of a temporary work  
 4 permit is unable to practice with reasonable skill and safety or has abused alcohol or  
 5 drugs, it may require the person to submit to a mental health, chemical dependency,  
 6 or physical evaluation by a licensed or certified practitioner designated by the board.  
 7 Upon the failure of the person to submit to a mental health, chemical dependency or  
 8 physical evaluation, unless due to circumstances beyond the person's control, the  
 9 board may initiate an action for immediate temporary suspension pursuant to KRS  
 10 314.089 or deny the application until the person submits to the required evaluation.
- 11 (2) Every licensee; applicant for licensure by examination, endorsement, reinstatement,  
 12 or change of status; holder of the privilege to practice as a nurse; credential  
 13 holder; or holder of a temporary work permit shall be deemed to have given  
 14 consent to submit to a mental health, chemical dependency, or physical evaluation  
 15 when so directed in writing by the board. The direction to submit to an evaluation  
 16 shall contain the basis of the board's reasonable cause to believe that the person is  
 17 unable to practice with reasonable skill and safety, or has abused alcohol or drugs.  
 18 The person shall be deemed to have waived all objections to the admissibility of the  
 19 examining practitioner's testimony or examination reports on the ground of  
 20 privileged communication.
- 21 (3) The licensee; applicant for licensure by examination, endorsement, reinstatement, or  
 22 change of status; holder of the privilege to practice as a nurse; credential holder;  
 23 or holder of a temporary work permit shall bear the cost of any mental health,  
 24 chemical dependency, or physical evaluation ordered by the board.
- 25 Section 8. KRS 314.089 is amended to read as follows:
- 26 (1) The board's president or the president's designee may determine that immediate  
 27 temporary suspension of a license or privilege against which disciplinary action or

an investigation is pending is necessary in order to protect the public. When it appears that this action may be necessary, the executive director or the executive director's designee shall issue an emergency order suspending the nurse's license or privilege. Upon appeal of an emergency order, an emergency hearing shall be conducted in accordance with KRS 13B.125.

(2) No board member shall be disqualified from serving on a disciplinary action hearing panel for the reason that he has previously sat on a hearing panel considering temporary suspension of the same license or privilege.

(3) The board shall expedite disciplinary actions in which a license or privilege has been temporarily suspended.

(4) The order of immediate temporary suspension shall remain in effect until either reconsidered or superseded by final disciplinary action by the board.

Section 9. KRS 314.091 is amended to read as follows:

(1) The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license, credential, or privilege to practice nursing;

(b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, or dishonesty, under the laws of any state or of the United States. The record of conviction or a copy thereof, certified by the clerk of the court or by the judge who presided over the conviction, shall be

conclusive evidence. For the purposes of this section, "conviction" means but is not limited to pleading no contest, entering an Alford plea, or entry of a court order suspending the imposition of a criminal penalty to a crime;

- (c) Has been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064, or 531.310, or has been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the nurse;
- (d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;
- (e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;
- (f) Abuses use of controlled substances, prescription medications, or alcohol;
- (g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration, or for use of others;
- (h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;
- (i) Has a license, privilege, or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;
- (j) Has violated any of the provisions of this chapter;
- (k) Has violated any lawful order or directive previously entered by the board;
- (l) Has violated any administrative regulation promulgated by the board; or

1 (m) Has been listed on the nurse aide abuse registry with a substantiated finding of  
2 abuse, neglect, or misappropriation of property.

3 (2) All hearings shall be conducted in accordance with KRS Chapter 13B. A suspended  
4 or revoked license, privilege, or credential may be reinstated at the discretion of the  
5 board, and in accordance with regulations promulgated by the board.

6 (3) The executive director may issue subpoenas to compel the attendance of witnesses  
7 and the production of documents in the conduct of an investigation. The subpoenas  
8 may be enforced by the Circuit Court as for contempt. Any order or subpoena of the  
9 court requiring the attendance and testimony of witnesses and the production of  
10 documentary evidence may be enforced and shall be valid anywhere in this state.

11 (4) At all hearings on request of the board the Attorney General of this state or one (1)  
12 of the assistant attorneys general designated by the Attorney General shall appear  
13 and represent the board.

14 (5) A final order of the board shall be by majority vote thereof.

15 (6) Any person adversely affected by any final order of the board may obtain a review  
16 thereof by filing a written petition for review with the Circuit Court of the county in  
17 which the board's offices are located in accordance with KRS Chapter 13B.

18 (7) If the board substantiates that sexual contact occurred between a nurse and a patient  
19 while the patient was under the care of or in a professional relationship with the  
20 nurse, the nurse's license, privilege, or credential may be revoked or suspended with  
21 mandatory treatment of the nurse as prescribed by the board. The board may require  
22 the nurse to pay a specified amount for mental health services for the patient which  
23 are needed as a result of the sexual contact.

24 Section 10. KRS 314.099 is amended to read as follows:

25 Jurisdiction, both as to person and subject matter, under this chapter ~~[KRS 314.011 to~~  
26 ~~314.161]~~ vests with the board upon application for licensure or practice on the privilege  
27 and shall continue during periods of licensure and lapse of licensure. The jurisdiction of



the board shall be continuous over the individual applicant or licensee or holder of the privilege and shall not be divested by voluntary surrender of a license or privilege, withdrawal of an application, or expiration of a temporary work permit.

Section 11. KRS 314.101 is amended to read as follows:

(1) This chapter does not prohibit the following:

(a) The practice of any currently licensed nurse of another state practicing in this state during an emergency occurring in this state or any other state declared by the President of the United States or the Governor of Kentucky. The duration and conditions of the practice shall be determined by the board~~[furnishing of nursing assistance in an emergency]~~;

(b) The practice of nursing which is incidental to the program of study by individuals enrolled in nursing education programs and refresher courses approved by the board or in graduate programs in nursing;

(c) The practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of his or her official duties; or

(d) The practice of any currently licensed nurse of another state who is in this state on a nonroutine basis to:

1. Provide care to a patient being transported into, out of, or through this state;

2. Provide nursing consulting services; or

3. Present a continuing nursing education program~~[whose responsibilities include transporting patients into, out of, or through this state].~~

(2) Nothing in this chapter shall be construed as prohibiting care of the sick with or without compensation or personal profit when done in connection with the practice of the religious tenets of any recognized or established church by adherents thereof

1 as long as they do not engage in the practice of nursing as defined in this chapter.

2 (3) Nothing in this chapter shall limit, preclude, or otherwise restrict the practices of  
3 other licensed personnel in carrying out their duties under the terms of their  
4 licenses.

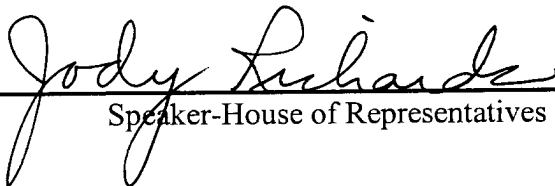
5 (4) A temporary work permit may be issued by the board to persons who have  
6 completed the requirements for, applied for, and paid the fee for licensure by  
7 endorsement. Temporary work permits shall be issued only for the length of time  
8 required to process applications for endorsement and shall not be renewed. No  
9 temporary work permit shall be issued to an applicant who has failed the licensure  
10 examination.

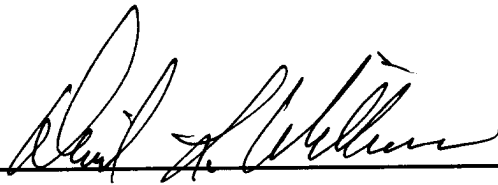
11 (5) The board may summarily withdraw a temporary work permit upon determination  
12 that the person does not meet the requirements for licensure or has disciplinary  
13 action pending against the person's license in this or another jurisdiction.

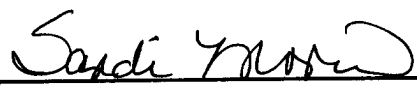
14 SECTION 12. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
15 READ AS FOLLOWS:

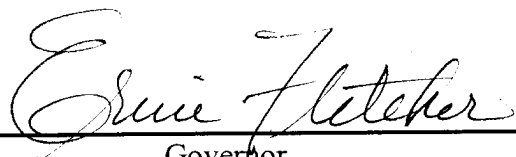
16 References in the Kentucky Revised Statutes to persons "licensed" under this chapter  
17 as nurses, registered nurses, licensed registered nurses, or licensed practical nurses  
18 shall be interpreted to include persons credentialed or privileged under this chapter to  
19 practice those occupations.

20 Section 13. This Act takes effect on June 1, 2007.

  
Speaker-House of Representatives

  
President of the Senate

Attest:   
Ass. Chief Clerk of House of Representatives

Approved   
Governor

Date 